

#### **IV. REMARKS/ARGUMENTS**

##### **A. Amendments to the Claims**

The application still contains 38 claims.

Claims 1, 14, 15, 24, 30, 31 and 38 have been amended in order to better define the subject matter being claimed. No new matter has been added to the present application under the current amendment.

##### **B. Allowable Subject Matter**

In the Office Action, the Examiner has indicated that claims 10, 23, 26-27 and 36-37 would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

The Applicant gratefully acknowledges the Examiner's indication that claims 10, 23, 26-27 and 36-37 contain allowable subject matter. However, given that base claims 1, 15, 24 and 31 are now believed to be in allowable form, the Applicant has chosen not to rewrite claims 10, 23, 26-27 and 36-37 in independent form at this time.

##### **C. Statements of Rejection and Reply**

###### **i) Claim Rejections under 35 USC §102(e)**

In the Office Action, the Examiner has rejected claims 1-9, 11-22, 24-25, 28-35 and 38 under 35 USC §102(e) as being anticipated by U.S. Patent 6,522,671 (hereafter referred to as Solheim et al.).

For the reasons presented below, the Applicant respectfully submits that independent claims 1, 14, 15, 24, 30, 31 and 38, as amended, are in allowable form.

Claim 1

The Examiner's attention is respectfully directed towards the following limitation of independent claim 1, as amended.

A method of converting a received client signal containing client data units into a frame-based transport signal at a higher bit rate, comprising the steps of:

creating successive payload sections each accommodating the same number of transport data units, each transport data unit being set either to a received client data unit or to a dummy data unit, **wherein pairs of contiguous client data units from the received client signal are positioned in transport data units that are separated by at least one transport data unit containing a dummy data unit;** and

creating successive frames of the transport signal by appending ancillary data to each payload section;

wherein the number of client data units carried by the payload section of each frame is within one client data unit of the actual number of client data units received during the duration of that frame.

With respect, the Examiner's argument is no longer applicable in view of the amendment to independent claim 1. It will be appreciated that the portions of Solheim et al. referred to by the Examiner when referring to a client signal (Figure 1; signal  $S_{IN1}$  or  $S_{IN2}$ ) do not support a contention that "pairs of contiguous client data units from the received client signal are positioned in transport data units that are separated by at least one transport data unit containing a dummy data unit".

Given that §2131 of the MPEP specifies that in order "to anticipate a claim, the reference must teach every element of the claim", the Applicant respectfully submits that the Examiner's reliance on Solheim et al. is not sufficient to support an anticipation rejection of amended claim 1.

Accordingly, amended claim 1 is believed to be in allowable form. The Examiner is respectfully requested to withdraw his rejection of independent claim 1.

Claims 2-9 and 11-13

Claims 2-9 and 11-13 depend from independent claim 1, and as such incorporate by reference all the limitations contained therein, including the newly introduced limitation of "pairs of contiguous client data units from the received client signal [being] positioned in transport data units that are separated by at least one transport data unit containing a dummy data unit".

Accordingly, for the same reasons as those presented above with respect to independent claim 1, the Examiner is respectfully requested to withdraw his rejection of dependent claims 2-9 and 11-13.

Claim 14

The Examiner's attention is respectfully directed towards the following limitation of independent claim 14, as amended.

An article of manufacture, comprising:

a computer usable medium having computer readable program code means embodied therein for causing the conversion of a received client signal containing client data units into a frame-based transport signal at a higher bit rate, the computer readable program code means in said article of manufacture comprising:

computer readable program code for causing a computer to create successive payload sections each accommodating the same number of transport data units, each transport data unit being set either to a received client data unit or to a dummy data unit, **wherein pairs of contiguous client data units from the received client signal are positioned in transport data units that are separated by at least one transport data unit containing a dummy data unit;** and

computer readable program code for causing a computer to create successive frames of the transport signal by appending ancillary data to each payload section;

wherein the number of client data units carried by the payload section of each frame is within one client data unit of the actual number of client data units received during the duration of that frame.

Claim 14, as amended, comprises language similar to amended claim 1. As such, for the same reasons as those presented with respect to amended claim 1, amended claim 14 is believed to be in allowable form.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of independent claim 14.

Claim 15

The Examiner's attention is respectfully directed towards the following limitation of independent claim 15, as amended.

A system for converting a received client signal containing client data units into a frame-based transport signal, comprising:

a first processing module adapted to output transport data units, each of which is set either to one of the received client data units or to a dummy data unit, **wherein pairs of contiguous client data units from the received client signal are positioned in transport data units that are separated by at least one transport data unit containing a dummy data unit**, the first processing module being further adapted to ensure that the number of client data units output during each frame is within one client data unit of the number of client data units received during the duration of that frame; and

a second processing module connected to the first processing module and adapted to create successive payload sections each accommodating the same number of transport data units received from the first processing module, the second processing module being further adapted to create successive frames of the transport signal by appending an ancillary data section to each payload section and outputting the data units in the ancillary section and the payload section faster than the rate at which the client signal is received.

Claim 15, as amended, comprises language similar to amended claims 1 and 14. As such, for the same reasons as those presented above, amended claim 15 is also believed to be in allowable form.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of independent claim 15.

Claims 16-22

Claims 16-22 depend from independent claim 15, and as such incorporate by reference all the limitations contained therein, including the newly introduced limitation of "pairs of contiguous client data units from the received client signal are positioned in transport data units that are separated by at least one transport data unit containing a dummy data unit".

Accordingly, for the same reasons as those presented above with respect to independent claim 15, the Examiner is respectfully requested to withdraw his rejection of dependent claims 16-22.

Claim 24

The Examiner's attention is respectfully directed towards the following limitation of independent claim 24, as amended.

A method of converting a received transport signal into a client signal, said transport signal comprising a series of frames each containing a payload section and an ancillary data section appended to the payload section, wherein each payload section comprises a plurality of transport data units each of which is either a client data unit or a dummy data unit, the method comprising the steps of:

determining whether each transport data unit in each frame of the transport signal is a client data unit or a dummy data unit; and

outputting to a buffer only those transport data units determined to be client data units, **wherein the transport signal includes a pair of transport data units containing client data units that are separated by at least one transport data unit containing a dummy data unit, said pair of transport data units containing client data units being output to the buffer consecutively such that they are positioned contiguously in the client signal derived from the received transport signal.**

With respect, the Examiner's argument is no longer applicable in view of the amendment to independent claim 24. It will be appreciated that the portion of Solheim et al. referred to by the Examiner when referring to outputting to a buffer only those transport data units determined to be client data units (col 9, lines 41-45) does not support a contention that "the transport signal includes a pair of transport data units containing client data units that are separated by at least one transport data unit containing a dummy data unit, [the] pair of transport data units

containing client data units are output to the buffer consecutively such that they are positioned contiguously in the client signal derived from the received transport signal".

Given that §2131 of the MPEP, specifies that in order "to anticipate a claim, the reference must teach every element of the claim", the Applicant respectfully submits that the Examiner's reliance on Solheim et al. is not sufficient to support an anticipation rejection of amended claim 24.

Accordingly, amended claim 24 is believed to be in allowable form. The Examiner is respectfully requested to withdraw his rejection of independent claim 24.

Claims 25 and 28-29

Claims 25 and 28-29 depend from independent claim 24, and as such incorporate by reference all the limitations contained therein, including the newly included limitation of "wherein the transport signal includes a pair of transport data units containing client data units that are separated by at least one transport data unit containing a dummy data unit, said pair of transport data units containing client data units being output to the buffer consecutively such that they are positioned contiguously in the client signal derived from the received transport signal".

Accordingly, for the same reasons as those presented above with respect to independent claim 24, the Examiner is respectfully requested to withdraw his rejection of dependent claims 25 and 28-29.

Claim 30

The Examiner's attention is respectfully directed towards the following limitation of independent claim 30, as amended.

An article of manufacture, comprising:

a computer usable medium having computer readable program code means embodied therein for causing the conversion a received transport signal into a client signal, said transport signal comprising a series of frames each containing a payload section and an ancillary data section appended to the payload section, wherein each payload section comprises a plurality of transport data units each of which is either a client data unit or a dummy data unit, the computer readable program code means in said article of manufacture comprising:

computer readable program code for causing a computer to determine whether each transport data unit in each frame of the transport signal is a client data unit or a dummy data unit; and

computer readable program code for causing a computer to output to a buffer only those transport data units determined to be client data units, **wherein the transport signal includes a pair of transport data units containing client data units that are separated by at least one transport data unit containing a dummy data unit, said pair of transport data units containing client data units being output to the buffer consecutively such that they are positioned contiguously in the client signal derived from the received transport signal.**

Claim 30, as amended, comprises language similar to amended claim 24. As such, for the same reasons as those presented with respect to amended claim 24, amended claim 30 is believed to be in allowable form.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of independent claim 30.

Claim 31

The Examiner's attention is respectfully directed towards the following limitation of independent claim 31, as amended.

A system for converting a transport signal into a client signal, said transport signal comprising a series of frames each containing a payload section and an ancillary data section, wherein the payload section carries transport data units each of which can be a client data unit or a dummy data unit, the system comprising:

a first processing module adapted to locate the payload section of each received frame and to output the transport data units in the payload section of each frame; and

a second processing module connected to the first processing module, the second processing module being adapted to:

determine whether each transport data unit in each frame of the transport signal is a client data unit or a dummy data unit; and

output to a buffer only those transport data units found to be client data units, **wherein the transport signal includes a pair of transport data**

**units containing client data units that are separated by at least one transport data unit containing a dummy data unit, said pair of transport data units containing client data units being output to the buffer consecutively such that they are positioned contiguously in the client signal derived from the received transport signal.**

Claim 31, as amended, comprises language similar to amended claim 24. As such, for the same reasons as those presented with respect to amended claim 24, amended claim 31 is believed to be in allowable form.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of independent claim 31.

Claims 32-35

Claims 32-35 depend from independent claim 31, and as such incorporate by reference all the limitations contained therein, including the newly included limitation of "wherein the transport signal includes a pair of transport data units containing client data units that are separated by at least one transport data unit containing a dummy data unit, said pair of transport data units containing client data units being output to the buffer consecutively such that they are positioned contiguously in the client signal derived from the received transport signal".

Accordingly, for the same reasons as those presented above with respect to independent claim 31, the Examiner is respectfully requested to withdraw his rejection of dependent claims 32-35.

Claim 38

The Examiner's attention is respectfully directed towards the following limitation of independent claim 38, as amended.

A method for converting a client signal containing client data units into a frame-based transport signal compatible with a transport network and for retrieving the client signal at another part of the network, comprising the steps of:

(A) at an ingress interface:



creating successive payload sections each accommodating the same number of transport data units, each transport data unit being set either to a received client data unit or to a dummy data unit, **wherein pairs of contiguous client data units from the received client signal are positioned in transport data units that are separated by at least one transport data unit containing a dummy data unit;**

creating successive frames of the transport signal by appending ancillary data to each payload section, wherein the number of client data units carried by the payload section of each frame is within one client data unit of the actual number of client data units received during the duration of that frame; and

sending the frames into the transport network towards an egress interface at a data unit rate higher than that of the client signal; and

(B) at the egress interface:

determining whether each transport data unit in each frame is a client data unit or a dummy data unit;

outputting to a buffer only those transport data units determined to be client data units; and

reading from the buffer at the lower data unit rate, thereby to recover the original client signal.

Claim 38, as amended, comprises language similar to amended claim 1. As such, for the same reasons as those presented with respect to amended claim 1, amended claim 38 is believed to be in allowable form.

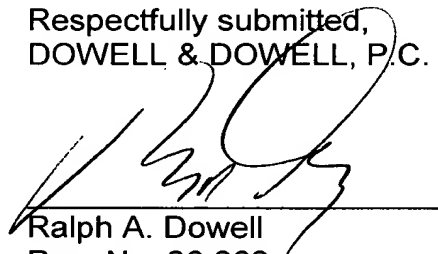
Accordingly, the Examiner is respectfully requested to withdraw his rejection of independent claim 38.

**CONCLUSION**

In view of the above, it is respectfully submitted that claims 1-38 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1-38 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,  
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